IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24669 of 2007

Between:

V.Vijay Kumar.

..... PETITIONER

AND

1.The District Collector,
Vizianagaram and others.

.....RESPONDENTS

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.24669 of 2007

Order:

This Writ Petition is filed for a writ of Mandamus to declare the action of the respondents in seeking to interfere with the petitioner's property comprised in Survey No.77 to an extent of Ac.1.65 cents situated at Mallammapet Village, Bobbili Mandal, Vizianagaram District, without notice and without initiating the proceedings under the Land Acquisition Act, 1894 (for short 'the Act'), as being violative of Articles 14 and 300-A of the Constitution of India.

In the affidavit, filed in support of the Writ Petition, the petitioner averred that on the property admeasuring Ac.1.65 cents in Survey No.77 situated at Mallammapet Village, Bobbili Mandal, Vizianagaram District, his father and grandfather constructed a school viz., CBM Girls High School during the year 1960-64 and that there is a compound wall raised around the said property.

The grievance of the petitioner is that in the road widening programme, respondent No.1 has instructed respondent Nos.2
and 3 to make use of a part of the petitioner's land for widening the road and that on coming to know about the same, the petitioner met respondent No.3 on 06-11-2003, but, he did not give any response. The petitioner apprehends that without initiating any proceedings under the Act, the respondents may demolish the compound wall and utilize his land for the purpose of road widening.

The learned Assistant Government Pleader for Roads and Buildings submits that if proceedings under the Land Acquisition Act, 1894, have not already been initiated and the petitioner's consent has not been obtained for using his land in the road widening, the respondents would not interfere with the petitioner's possession of the land until either of the two measures is taken.

In view of the categorical statement made by the learned Assistant Government Pleader for Roads and Buildings, the Writ Petition is disposed of, with a direction to the respondents not to take away the petitioner's land or disturb his possession, unless either his consent is taken or the proceedings under the Act are initiated. No

costs.

20-11-2007

Note:
Furnish CC in three days.

B/o

LUR